

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name: that I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought in the application entitled:

### "MEDICAMENT COMPRISING HGF GENE"

which application is:

the attached application  
(for original application)

application Serial No. PCT/JP96/02359  
filed Aug. 22, 1996, and amended on

(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application under 37 C.F.R. 1.56, that I hereby claim foreign priority benefits under Title 35, United States Code §119, §172 or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Application Number	Country	Filing Date	Priority Claimed (yes or no)
07-245475	Japan	29 August, 1995	YES
08-058467	Japan	20 February, 1996	YES

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
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I hereby appoint John H. Mion, Reg. No. 18,879; Donald E. Zinn, Reg. No. 19,046; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Robert G. McMorrow, Reg. No. 19,093; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778 and Abraham J. Rosner, Reg. No. 33,276, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 1996-2-23

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Sixth Inventor \_\_\_\_\_

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Seventh Inventor \_\_\_\_\_

First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Last Name \_\_\_\_\_

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Post Office Address \_\_\_\_\_

Citizenship \_\_\_\_\_

Form PTO-1595  
1-31-92

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Director - U.S. Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Sumitomo Pharmaceuticals Company, Limited 2-8, Dosomachi-2-chome Chuo-ku, Osaka, Japan		2. Name and address of receiving party(ies)? MedGene Bioscience, Inc. 24 C-1101, Kamishinden 1-chome Toyonaka-shi, Osaka, Japan
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Names <input type="checkbox"/> Other _____		Additional name(s) & address(es) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Execution Date: February 15, 2001		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:		
A. Patent Application No.(s)/Confirmation No.(s) 09/029,497 and 09/660,522		B. Patent No.(s)
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: J. Frank Osha, Esq. SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Suite 800 Washington, D.C. 20037-3213		6. Total number of applications and registration involved: 2
		7. Total Fee (37 CFR 3.41):      \$80.00 <input checked="" type="checkbox"/> Enclosed. Please charge any underpayment in connection with this Assignment to Deposit Account No. 19-4880. <input type="checkbox"/> Authorized to be charged to Deposit Account
		8. Deposit Account No. 19-4880

**DO NOT WRITE IN THIS SPACE**

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document

J. Frank Osha

Reg. No. 24,625

Date

**TOTAL NUMBER OF PAGES COMPRISING COVER SHEET, ATTACHMENTS AND DOCUMENT: 2**

OMB No. 0651-0011 (exp. 4/94)

**Do not detach this portion**

Mail documents to be recorded with required cover sheet information to:

Director - U.S. Patent and Trademark Office  
Box Assignment  
Washington, D.C. 20231

## Assignment

Whereas, SUMITOMO PHARMACEUTICALS COMPANY, LIMITED, a Japanese corporation, having a place of business at 2-8, Doshomachi-2-chome, Chuo-ku, Osaka, Japan, hereinafter called Assignor, is the owner and assignee of record of U.S. patent application 09/029,497 by assignment recorded on June 9, 1998, at Reel 9333, Frame 0514 and is also the owner and assignee of continuation application 09/660,522, filed September 12, 2000; and

Whereas, MedGene Bioscience, Inc. a Japanese corporation, having a place of business at 24 C-1101, Kamishinden 1-chome, Toyonaka-shi, Osaka, Japan, hereinafter called Assignee, desires to acquire the Assignor's entire right, title, and interest in said applications and inventions disclosed therein, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged;

The above named Assignor, hereby sells, assigns and transfers to the above named Assignee, its successors and assigns, the Assignor's entire right, title and interest in U.S. patent application 09/029,497, filed June 9, 1998 and its continuation application 09/660,522, filed September 12, 2000 and, the inventions disclosed therein for the United States of America, and Assignor's entire right, title and interest in and to any and all Patents which may be granted thereon in the United States, and requests the Commissioner of Patents to issue any Letters Patents granted upon the inventions set forth in said applications to the Assignee herein and Assignor will execute without further consideration all papers deemed necessary by the Assignee in connection with said United States applications when called upon to do so by the Assignee.

IN WITNESS WHEREOF, Sumitomo Pharmaceuticals Co., Ltd. has executed this Assignment by proper persons duly authorized.

Sumitomo Pharmaceuticals Company, Limited

Date: February 15, 2001

Witness:

Naoko Takao

  
Name: Masaaki YOKOTSUKA  
Title: President

**Q49457**

RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Ryuichi MORISHITA, Toshio OGIHARA,  
Toshikazu NAKAMURA, Tetsuya TOMITA and Takahiro OCHI

Additional name(s) of conveying party(ies) attached?  
 yes  no

2. Name and address of receiving party(ies)?

Name:  
SUMITOMO PHARMACEUTICALS COMPANY, LIMITED  
Internal Address:  
2-8, Doshomachi-2-chome, Chuo-ku, Osaka, Japan  
Street Address:  
Same as above

3. Nature of Conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: February 23, March 4, May 8 and  
March 12, 1998, respectively

City State Zip

Additional name(s) & address(es) attached?  
 yes  no

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/029,497

B. Patent No(s).

Additional numbers attached? Yes  No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, D.C. 20037-3202

6. Total number of applications and patents involved:  
One (1)

7. Total Fee (37 CFR 3.41): \$ 40.00  
 Enclosed. Please charge any underpayment in  
connection with this Assignment to Deposit Account No. 19-  
4880.

Authorized to be charged to Deposit Account

8. Deposit Account No.

(Attach dupl. copy of this page if paying by Deposit Account)

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9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true  
copy of the original document.

Name Waddell A. Biggart Reg. No. 24,861

FILED

JUN - 9 1998

June 9, 1998

Date

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 2

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Washington, D.C. 20231

E 3757 -61  
U.S.A.  
(JOINT INVENTORS)

## ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to Ryuichi MORISHITA, Toshio OGIIHARA, Toshikazu NAKAMURA, Tetsuya TOMITA, and Takahiro OCHI,

citizens of Japan by SUMITOMO PHARMACEUTICALS COMPANY, LIMITED, a corporation organized under the laws of Japan, located at 2-8, Doshomachi-2-chome, Chuo-ku, Osaka, Japan,

receipt of which is hereby acknowledged, we, the said Ryuichi MORISHITA, Toshio OGIIHARA, Toshikazu NAKAMURA, Tetsuya TOMITA, and Takahiro OCHI,

do hereby sell and assign to said SUMITOMO PHARMACEUTICALS COMPANY, LIMITED,

successors and assigns, all our right, title and interest, in and for the United States of America, in and to "MEDICAMENT COMPRISING HGF GENE"

\*U.S. Serial No.09/029,497 filed on February 26, 1998 invented by us and described in the application for United States Letters Patent therefor, executed on even date herewith, **FILED** and all United States Letters Patent which may be granted therefor, and all divisions, continuations and extentions thereof, the said interest being the entire ownership of the said Letters Patent when granted, **JUN 29 1998** held and enjoyed by said SUMITOMO PHARMACEUTICALS COMPANY, LIMITED,

Successors, assigns or other legal representatives, to the full end of term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made;

And we hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reviewed or reissue applications or in any amendment, extention, or interference proceedings, or otherwise to secure the title thereto in said assignee;

And we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said SUMITOMO PHARMACEUTICALS COMPANY, LIMITED.

Signed on the dates indicated aside our signatures:

	INVENTORS (発明者フルネームサイン)	Date Signed (署名日)	Witnesses (立会人サイン)
1)	Ryuichi Morishita (Ryuichi MORISHITA)	1998. 2. 23	L. Lee -
2)	T. Ogihara (Toshio OGIIHARA )	1998. 3. 4	L. Lee -
3)	T. Nakamura (Toshikazu NAKAMURA)	1998. 5. 8	L. Lee -
4)	T. Tomita (Tetsuya TOMITA )	1998. 3. 12	L. Lee -
5)	Takahiro Ochi (Takahiro OCHI )	1998. 3. 12	L. Lee -
6)	( )		
7)	( )		
8)	( )		